

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Case No.:
FIRST STUDENT	:	14-CA-225201
	:	
Respondent	:	

JUDGMENT ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD

Before:

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, First Student, its officers, agents, successors, and assigns, enforcing its order dated June 14, 2019, in Case No. 14-CA-225201, reported at 368 NLRB No. 9, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, First Student, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

DATED:

# NATIONAL LABOR RELATIONS BOARD

v.

FIRST STUDENT

## ORDER

First Student, St. Charles, Missouri, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Encouraging or discouraging membership in Teamsters Local 610 by discharging or otherwise discriminating against employees in response to a union demand when it has reasonable grounds for believing the demand is unlawful.
  - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - (a) Within 14 days from the date of this Order, and to the extent the Respondent has not already done so, offer Janeen Wallington full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges previously enjoyed.
  - (b) To the extent it has not already been done, make Janeen Wallington whole for any loss of earnings and other benefits suffered as a result of the discrimination against her, in the manner set forth in the remedy section of this decision, plus reasonable search-for-work and interim employment expenses.
  - (c) Compensate Janeen Wallington for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 14, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.

- (d) Within 14 days from the date of this Order, remove from its files any reference to the unlawful discharge of Janeen Wallington, and within 3 days thereafter, notify her in writing that this has been done and that the discharge will not be used against her in any way.
- (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (f) Within 14 days after service by the Region, post at its facility in St. Charles, Missouri, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 14, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since July 31, 2018.
- (g) Within 21 days after service by the Region, file with the Regional Director for Region 14 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

## **APPENDIX**

### **NOTICE TO MEMBERS AND EMPLOYEES**

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

#### **FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT encourage or discourage your membership in Teamsters Local 610 by discharging or otherwise discriminating against you in response to a union demand when we have reasonable grounds for believing that the demand is unlawful.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, within 14 days from the date of the Board's Order, offer Janeen Wallington immediate and full reinstatement to her former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to her seniority or any other rights or privileges enjoyed, to the extent it has not already been done.

WE WILL make Janeen Wallington whole for any loss of earnings and other benefits resulting from her discharge, less any net interim earnings, plus interest, to the extent it has not already been done, and WE WILL also make Janeen Wallington whole for reasonable search-for-work and interim employment expenses, plus interest.

WE WILL compensate Janeen Wallington for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file with the Regional Director for Region 14, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.

WE WILL, within 14 days of the date of the Board's Order, remove from our files any reference to the unlawful discharge of Janeen Wallington, and WE WILL, within 3 days thereafter, notify her in writing that this has been done and that the unlawful discharge will not be used against her in any way.

### FIRST STUDENT

The Board's decision can be found at [www.nlr.gov/case/14-CA-225201](http://www.nlr.gov/case/14-CA-225201) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

